

APPLICANTS:
Donald & Frances Hutchins

REQUEST: Variance to locate a
sunroom within the required rear yard
setback in the Agricultural District

HEARING DATE: December 18, 2006

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

Case No. 5577

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Donald Hutchins

CO-APPLICANT: Frances M. Hutchins

LOCATION: 219 Davis Road – Geneva Farms, Street
Tax Map: 17 / Grid: 2C / Parcel: 301 / Lot: 15
Fifth (5th) Election District

ZONING: AG / Agricultural

REQUEST: Variance, pursuant to Section 267-34(C), Table II, of the Harford County Code, to locate a sunroom within the required 80 foot rear yard setback (69 foot setback proposed), in the Agricultural District.

TESTIMONY AND EVIDENCE OF RECORD:

Donald Hutchins, Co-Applicant, described his family's desire to enclose an existing, approximately 400 square foot, patio so as to convert it to a four seasons sunroom. The dimensions of the existing patio are approximately 16 feet by 26 feet. Only a portion of the patio would be enclosed with a sunroom.

Mr. Hutchins described the property as being improved by a 3 bedroom, 3 bath rancher of approximately 2,340 square feet. The Applicants' community association has been contacted and it does not object to the requested variance.

Mr. Hutchins explained that he is unable to maintain an 80 foot setback from his rear lot line. The subject property is, he believes, unusually shallow. His house is now located almost immediately upon the 50 foot front yard setback line, and extends almost exactly to the 80 foot rear setback line. Mr. Hutchins believes this demonstrates how constrained his lot is even though it is approximately 2 acres in size. The sunroom itself, as proposed by Mr. Hutchins, would encroach upon the rear yard setback line by about 11 feet, which will nevertheless leave an approximately 69 foot setback to his rear lot line.

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Mr. Hutchins explained that Geneva Farms Golf Course is located directly behind his property. The Geneva Farms clubhouse is on the northeastern side of the house, and wetlands are located on the southwestern side of the house. Accordingly, Mr. Hutchins believes no adjoining neighbor will be affected in any fashion by the requested variance.

Mr. Hutchins also believes the property is unique, in part due to the extreme shallowness of his lot, but also by his split septic reserve area which is located on both sides (but not the rear) of his house. As a result he is not able to locate an addition on either side, and any proposed addition must go to the rear of the house.

The sunroom which Mr. Hutchins proposes is similar to others in the neighborhood and throughout the County. It will be similar in appearance to the existing home, having a truss roof, vinyl sided, with architectural shingles which will match the existing home.

Next for the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune also believes the property is unique. The lot itself is about 700 feet wide, but only 180 feet deep with a septic reserve area on either side of the home. The addition proposed is similar to many others in the area and is consistent with them.

The Department believes there will be no adverse impact if the requested variance is granted.

No evidence or testimony was given in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

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- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval."*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicants have made a convincing showing that they reside on a lot, located within the Geneva Farms subdivision, which is unique. The site plan shows a lot which is almost 700 feet wide, but merely 180 feet deep. Indeed, the property is so shallow that the septic reserve was impossible to locate on the property except in a bifurcated fashion.

The Applicants have an existing patio which itself encroaches into the 80 foot rear yard setback. Since the Applicants wish to enclose the patio with a sunroom a variance is necessary for the extent of the sunroom which encroaches into the setback. The Applicants have adequately demonstrated that the sunroom can be located nowhere else on their property except at the location proposed. It is found that the sunroom is similar to others in the County, would be attractive in appearance and design, and will have no adverse impact upon any adjoining property owner.

It is further found that the variance is necessitated by the unique features of the property which would prohibit the Applicants from building a feature which is similar to others in the area, and which is a standard amenity, unless granted the variance requested. The variance itself is modest in nature, and is the minimum relief necessary in order to alleviate the hardship experienced by the Applicant.

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CONCLUSION:

It is accordingly recommended that the requested variance be granted, subject to the Applicants obtaining all necessary permits and inspections for the construction of the sunroom.

Date: January 8, 2007

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on FEBRUARY 6, 2007.